

IN THE DRAWINGS:

Please amend FIGS. 10, 11, 12A, 12B, 13A, and 13B, as indicated on the attached marked-up copy of original FIGS. 10, 11, 12A, 12B, 13A, and 13B. No new matter is introduced.

REMARKS

The present application was filed on July 30, 2001 with claims 1 through 18. Claims 1 through 18 are presently pending in the above-identified patent application.

In the Office Action, the Examiner objected to the drawings due to indicated informalities. The Examiner rejected claims 1-18 under 35 U.S.C. §102(e) as being anticipated by Spaur et al. (United States Patent Number 6,516,192).

Drawings

The Examiner asserts that FIGS. 10, 11, 12A, 12B, 13A, and 13B should be labeled as prior art. FIGS. 10, 11, 12A, 12B, 13A, and 13B have been amended to indicate that they are prior art.

Independent Claims 1, 7 and 13

Independent claims 1, 7, and 13 were rejected under 35 U.S.C. §102(e) as being anticipated by Spaur et al. Regarding claim 1, the Examiner asserts that Spaur teaches measuring data transfer rates of the two-way communication line and of the one-way communication line (col. 4, lines 41-54; col. 5, lines 60-65).

Applicants note that Spaur utilizes the bandwidth *specified for a network channel* to determine the link selection. (See, FIG. 3 and col. 11, lines 22-34.) The bandwidths of 14.4 kbps and 28.8 kbps are standard bandwidth rates of network channels, as would be apparent to a person of ordinary skill in the art. Applicants also note that bandwidth parameters that are *specified and not measured* are conventionally utilized in the art. Thus, Spaur suggests measuring other network parameters, “such as packet loss, latency and/or jitter” (col. 11, lines 36-37; see, also, col. 10, lines 7-10, and col. 4, lines 42-47), but does *not disclose or suggest measuring the bandwidth (data transfer rate) of a network channel*. Independent claims 1, 7, and 13 require *measuring data transfer rates* of the two-way communication line and of the one-way communication line; and selecting one from the two-way communication line and the one-way communication line on the basis of the *measured data transfer rates*.

Thus, Spaur et al. do not disclose or suggest measuring data transfer rates of the two-way communication line and of the one-way communication line; and selecting one from the two-way communication line and the one-way communication line

on the basis of the measured data transfer rates, as required by independent claims 1, 7, and 13.

Dependent Claims 2-6, 8-12 and 14-18

5 Dependent claims 2-6, 8-12, and 14-18 were rejected under 35 U.S.C. §102(e) as being anticipated by Spaur et al.

Claims 2-6, 8-12, and 14-18 are dependent on claims 1, 7, and 13, respectively, and are therefore patentably distinguished over Spaur et al. because of their dependency from independent claims 1, 7, and 13 for the reasons set forth above, as well as other elements these claims add in combination to their base claim.

10 All of the pending claims, i.e., claims 1-18, are in condition for allowance and such favorable action is earnestly solicited.

If any outstanding issues remain, or if the Examiner has any further suggestions for expediting allowance of this application, the Examiner is invited to contact the undersigned at the telephone number indicated below.

15 The Examiner's attention to this matter is appreciated.

Respectfully submitted,



20 Date: December 20, 2005

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Annotated Sheet Showing Changes

FIG. 10

(PRIOR ART)

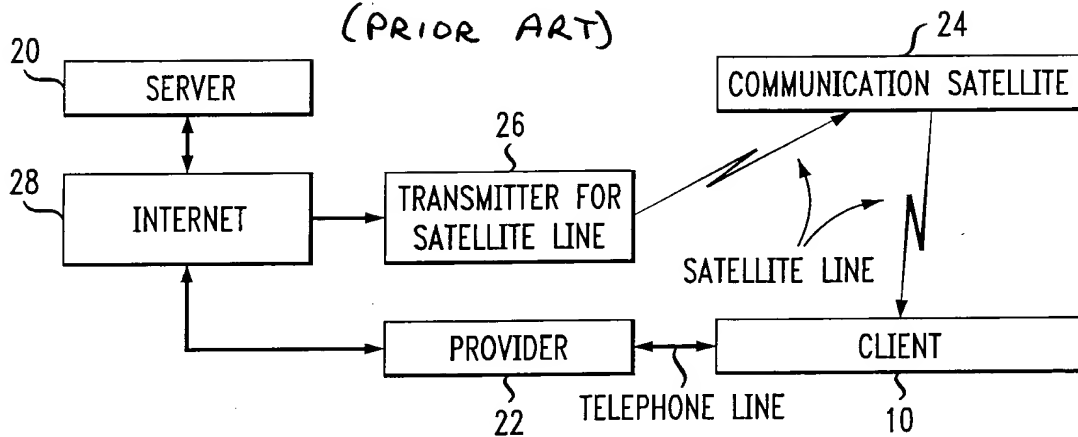
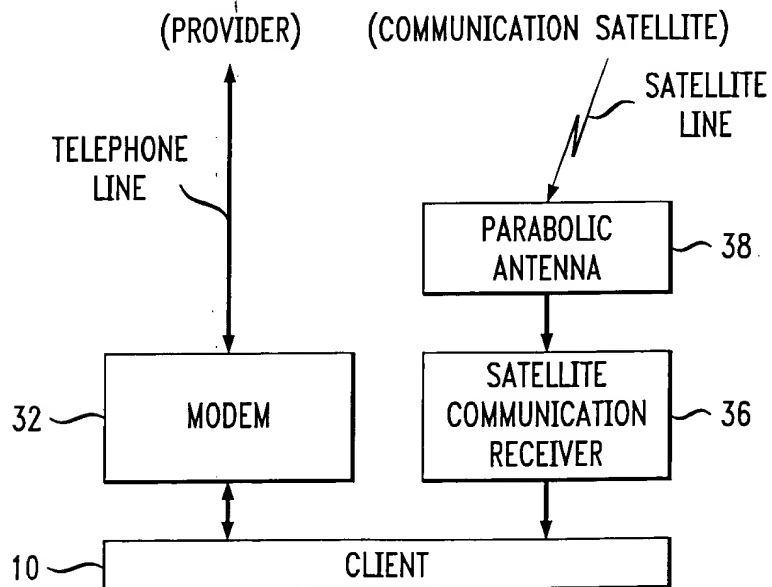


FIG. 11 (PRIOR ART)



Annotated Sheet Showing Changes

FIG. 12A (PRIOR ART)

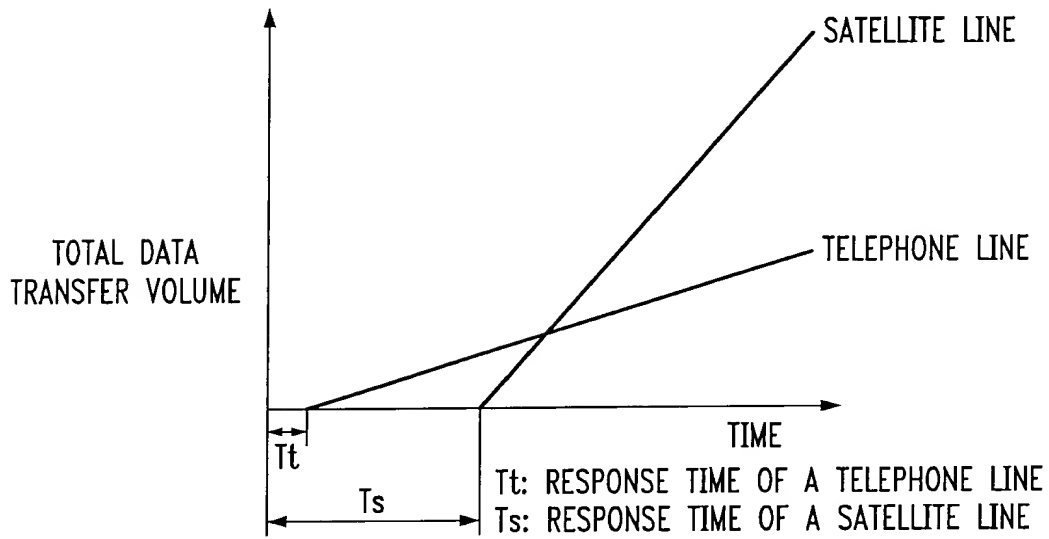
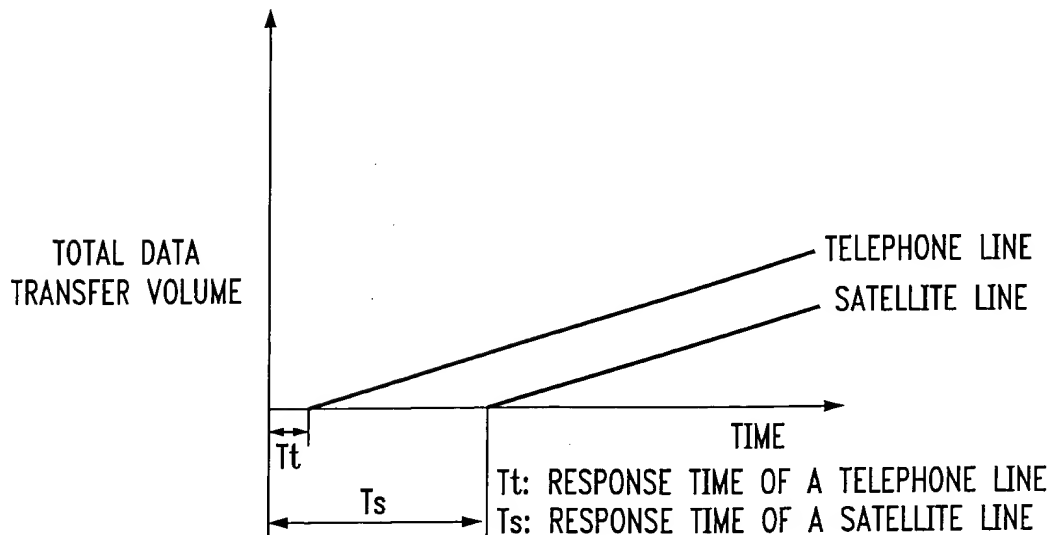


FIG. 12B (PRIOR ART)



Annotated Sheet Showing Changes

FIG. 13A (PRIOR ART)

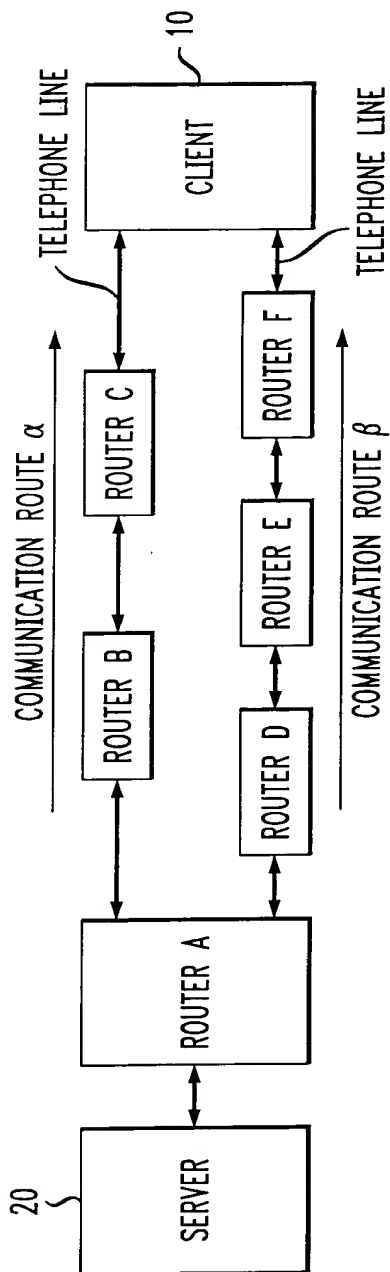


FIG. 13B (PRIOR ART)

